

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,

Plaintiff,

No. 8-CV-50008

VS.

YOUNG CONSTRUCTION & PAVING, LLC; KAREN B. YOUNG; GORDON T. YOUNG; JEFFREY D. YOUNG; MONICA L. YOUNG; JOSEPH WELLS; TERRI WELLS; LUKE D. VANDER BLEEK; and JOAN L. VANDER BLEEK,

Defendants.

and

JOSEPH WELLS; TERRI WELLS; LUKE D. VANDER BLEEK; and JOAN L. VANDER BLEEK,

Counter-Plaintiffs/Third-Party Plaintiffs,

VS.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA,

Counter-Defendants,

and

TRISSEL, GRAHAM AND TOOLE, INC., a corporation,
DANIEL CURRAN, and ROGER A. COLMARK,

Third-Party Defendants.

MOTION FOR LEAVE TO FILE AN AMENDED THIRD PARTY COMPLAINT

NOW COME the Counter-Plaintiffs, JOSEPH WELLS, TERRI WELLS, LUKE D. VANDER BLEEK, and JOAN L. VANDER BLEEK, by RENO & ZAHM LLP, by Robert A. Fredrickson and Jack D. Ward, and for their Motion for Leave to File an Amended Third Party

Complaint to add an additional count as to Curran, Trissel, Graham & Toole, and Colmark and to add as to Sauk Valley Bank as an additional third party defendant, and in support of said motion states as follows:

1. That certain amendments as shown forth in the amended third party complaint, namely the addition of additional counts as to Colmark, Curran, Trissel, Graham & Toole, and Travelers are in order based on the discovery information developed from the Colmark and Curran discovery.

2. That the Sauk Valley Bank is a proper party in that the bank participated in certain misrepresentations that induced the third party plaintiff to enter into the Young loan transaction and obligations relative thereto.

3. That the parties Colmark, Curran, and Trissel, Graham & Toole, and Travelers (through their agent) and Sauk Valley Bank all knew that various parts of the transaction and financial condition fo Young Construction & Paving and its collateral relationship and obligations to the bank were misrepresented to Vander Bleek and Wells.

WHEREFORE, the Third-Party Plaintiffs pray that the Court grant them leave to file instanter the Amended Third Party Complaint attached hereto.

Dated this 16 day of July, 2008.

JOSEPH WELLS; TERRI WELLS; LUKE D. VANDER BLEEK; and JOAN L. VANDER BLEEK

By: RENO & ZAHM LLP

RENO & ZAHM LLP
BY: ROBERT A. FREDRICKSON, #00868469
JACK D. WARD, #3125783
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By: 
Robert A. Fredrickson

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon the following:

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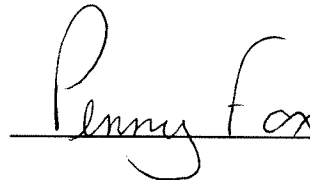
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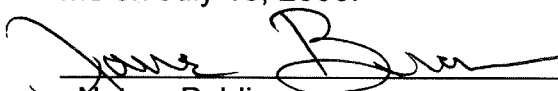
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Mr. Roger Colmark
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by depositing the same in the United States Mails, postage prepaid, addressed as above,
at Rockford, Illinois on July 16, 2008.



Subscribed and sworn to before
me on July 16, 2008.



Notary Public



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